

4216. Adulteration and misbranding of pepper. U. S. * * * v. 4,212 Cartons * * * of Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6490. I. S. No. 14550-k. S. No. C-200.)

On April 29, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4,212 cartons, each containing 1½ ounces of pepper, remaining unsold in the original unbroken packages, at Chicago, Ill., alleging that the article had been shipped, on March 13, 1915, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, pepper shells, had been mixed and packed with the article of food aforesaid so as to reduce, lower, and injuriously affect the quality and strength thereof, and for the further reason that a certain substance, to wit, pepper shells, had been substituted in part for the article of food aforesaid.

Misbranding was alleged for the reason that each of the cartons bore statements in words and figures, as follows, to wit, "G-and-R Brand 1½ Oz. Net G R For Good For Reliable Warranted Pure Pepper," which said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid containing the article of food aforesaid, was false and misleading in that the statement represented to the purchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was not genuine pepper, but consisted of a mixture of pepper and pepper shells. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, represented to the purchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was an imitation of genuine pepper, in that the article of food aforesaid consisted of pepper and pepper shells. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, represented to the purchaser that the article of food was genuine pepper, whereas, in truth and in fact, it was not genuine pepper, but was offered for sale under the distinctive name of another article, to wit, pepper. Misbranding was alleged for the further reason that said statement, to wit, "Warranted Pure Pepper," borne upon each of the cartons aforesaid, misled and deceived the purchaser into the belief that the article of food aforesaid was genuine pepper, whereas, in truth and in fact, it was not genuine pepper but consisted of a mixture of pepper and pepper shells.

On June 17, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*